

EXHIBIT “A”

J. FINE LAW GROUP, PC

By: Joseph LaRosa, Esquire

Attorney No.: 309294

joe@jfinelaw.com

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Philadelphia, PA 19103

(267) 888-2960

Filed and Attested by the
Attorneys for Plaintiff,
Jonplair Ray-Dark
Office of Judicial Records

08 NOV 2022 03:28 pm

A. STAMATO

JONPLAIR RAY-DARK

4748 North Marvine Street

Philadelphia, PA 19141

Plaintiff,

v.

COLIN HUSSEY

1304 Handcock Drive

Barrington, NJ 08007-1630

and

RYDER TRUCK RENTAL, INC.

11690 NW 150

Miami, FL 33178

Defendant.

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

NOVEMBER TERM, 2022

NO.:

MAJOR NON-JURY CASE

ASSESSMENT OF DAMAGES

HEARING IS REQUIRED

NOTICE TO DEFEND**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE**

One Reading Center
Philadelphia Pennsylvania 19107
Telephone: (215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACIÓN DE LICENCIADOS DE FILADELFA
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL**

One Reading Center
Filadelfia, Pennsylvania 19107
Telefono: (215) 238-1701

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Attorneys for Plaintiff,

Jonplair Ray-Dark

JONPLAIR RAY-DARK

4748 North Marvine Street

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Plaintiff,

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COLIN HUSSEY

1304 Hancock Drive

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RYDER TRUCK RENTAL, INC.

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Defendant.

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

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CIVIL ACTION COMPLAINT
PERSONAL INJURY – 2V (MOTOR VEHICLE ACCIDENT)

COMES NOW, Plaintiff, Jonplair Ray-Dark, by and through his counsel, Joseph LaRosa, Esquire & J. Fine Law Group, PC, hereby file this complaint against Defendants and in support thereof avers as follows:

1. Plaintiff, Jonplair Ray-Dark, is an adult individual and citizen of the Commonwealth of Pennsylvania residing at the above captioned address (hereafter referred to as "Plaintiff").
2. Upon information and belief, Defendant, Colin Hussey, is an adult individual residing at the above captioned address (hereinafter referred to as "Defendant Driver").

3. Upon information and belief, Ryder Truck Rental, Inc. is a corporation authorized to conduct business in Pennsylvania with a business address at the above captioned address (hereinafter referred to as "Defendant Owner")

4. On or about December 23, 2020, Plaintiff was properly parked in his vehicle at or near the intersection of Belmont Avenue and West Girard Avenue, in Philadelphia, PA, when suddenly and without warning, the Defendant Driver, operating Defendant owner's truck, reversed his vehicle into Plaintiff's vehicle, causing Plaintiff to suffer serious and permanent injuries.

5. Jurisdiction and venue are appropriate in Philadelphia County, Pennsylvania because the accident at issue occurred in Philadelphia County, Pennsylvania.

6. At all times material and relevant to this complaint, Defendant Owner owned, leased, controlled and/or had dominion over the motor vehicle in which Defendant Driver was operating at the time of the motor vehicle accident described herein.

7. The aforesaid motor vehicle collision was a direct result of the negligence and/or carelessness of Defendant Driver and was due in no manner whatsoever to any act or failure to act on the part of Plaintiff

COUNT ONE – NEGLIGENCE
JONPLAIR RAY-DARK V. COLIN HUSSEY

8. Plaintiff, Jonplair Ray-Dark, incorporates herein, by reference thereto, paragraphs one through seven (1-7), inclusive, as though same were set forth herein at length.

9. The negligence and/or carelessness of Defendant Driver was the direct and proximate cause of the impact described *infra*, with said negligence being more fully described as:

- (a) failing to properly operate his respective motor vehicle;

- (b) failing to maintain a proper and adequate lookout;
- (c) driving at an excessive and unsafe rate of speed under the circumstances;
- (d) operating the motor vehicle in a negligent and/or careless manner;
- (e) operating the motor vehicle without due regard to the rights, safety, and position of Plaintiff's vehicle;
- (f) failing to have her respective motor vehicle under proper control so as to prevent Defendant's motor vehicle from striking Plaintiff's motor vehicle;
- (g) failing to use due care under the circumstances;
- (h) failing to notice the other motor vehicle;
- (i) failing to take evasive action in order to avoid impacting with Plaintiff's motor vehicle;
- (j) violating the relevant ordinances and the Statutes of the Commonwealth of Pennsylvania governing the operation of motor vehicles;
- (k) acts constituting negligence *per se*;
- (l) reversing his vehicle in an unsafe manner;
- (m) failing to maintain an assured clear distance and;
- (n) failing to apply brakes to avoid collision with the motor vehicle Plaintiff occupied;

10. As a direct cause of the impact and negligence, Plaintiff suffered serious and permanent injuries to his neck, back, right knee, and right shoulder.

11. As a further result of this accident, Plaintiff has been obligated to receive and undergo reasonable and necessary medical treatment and rehabilitative services for the injuries

he has suffered, and to incur various expenses for said treatment and services, and he may incur various reasonable and necessary future medical expenses from the injuries sustained, and Defendant is liable for all the same.

12. As a further result of this accident, Plaintiff has or may suffer severe actual loss of his gross income.

13. As a further result of this accident, Plaintiff has or may suffer impairment of her earning capacity and power.

14. As a further result of the accident, Plaintiff has suffered physical pain, aches, mental anguish, and humiliation, inconveniences and loss of life's pleasures, and she may continue to suffer same for an indefinite time in the future.

15. As a direct result of this accident, Plaintiff has been unable to attend to his daily chores, duties and occupations and may be unable to do so for an indefinite period of time in the future.

WHEREFORE, Plaintiff, Jonplair Ray-Dark, respectfully demands judgment in his favor against Defendant, Colin Hussey, in an amount in excess of \$50,000.00 plus interest and any other relief this Court may deem just and appropriate.

**COUNT TWO – RESPONDENT SUPERIOR
JONPLAIR RAY-DARK v. RYDER TRUCK RENTAL, INC.**

16. Plaintiff hereby incorporates by reference paragraphs one through fifteen (1-15) as if fully set forth herein at length.

17. At all times relevant hereto, Defendant Driver was the employee, servant, or otherwise an agent of Defendant Owner; and moreover, at all times relevant hereto, Defendant Operator was acting within the scope of said employment or agency, therefore, Defendant Owner is responsible for damages referenced above.

WHEREFORE, Plaintiff, Jonplair Ray-Dark, respectfully demands judgment in his favor against Defendant, Colin Hussey, in an amount in excess of \$50,000.00 plus interest and any other relief this Court may deem just and appropriate.

COUNT THREE – NEGLIGENT ENTRUSTMENT
JONPLAIR RAY-DARK v. RYDER TRUCK RENTAL, INC.

18. Plaintiff hereby incorporates by reference paragraphs one through fifteen (1-17) as if fully set forth herein at length.

19. The negligence and carelessness of Defendant Owner consisted of, *inter alia*, the following:

- (a) negligently entrusting their vehicle to an individual who was not equipped to operate their vehicle safely and/or with due care for others;
- (b) negligently entrusting their vehicle to an individual who exhibited a disregard for the safety and well-being of others; and
- (c) failing to properly train and/or instruct Defendant Operator in the safe operation and usage of his motor vehicle.

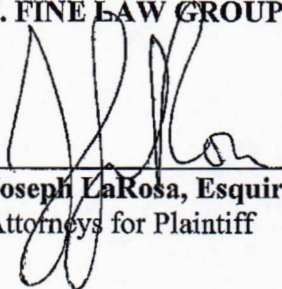
20. As a direct and proximate cause of the aforesaid negligence of Defendant Owner, Plaintiff suffered damages as more fully described above.

WHEREFORE, Plaintiff, Jonplair Ray-Dark, respectfully demands judgment in his favor against Defendant, Colin Hussey, in an amount in excess of \$50,000.00 plus interest and any other relief this Court may deem just and appropriate.

Respectfully submitted,

J. FINE LAW GROUP, PC

BY:



Joseph LaRosa, Esquire
Attorneys for Plaintiff

VERIFICATION

I, Joseph K. Dark, having read the attached Complaint, verifies that the within pleadings are based on information furnished to counsel, and which information has been gathered by counsel in the course of investigating this claim. The language of the Complaint is that of counsel and not of mine. I verify that I have read the within Complaint and that it is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, I have relied upon counsel in taking this Verification. This Verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.


Client's Name

J. FINE LAW GROUP, PC

By: Joseph LaRosa, Esquire

Attorney No.: 309294

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1628 John F. Kennedy Blvd., Suite 2120

Philadelphia, PA 19103

(267) 888-2960

Attorneys for Plaintiff

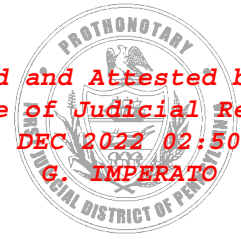
Jonplair Ray-Dark

Filed and Attested by the

Office of Judicial Records

02 DEC 2022 02:50 pm

G. IMPERATO



JONPLAIR RAY-DARK

Plaintiff,

v.

COLIN HUSSEY

and

RYDER TRUCK RENTAL, INC.

Defendants.

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

NOVEMBER TERM, 2022

NO.: 952

Affidavit of Service

I, Joseph LaRosa, Esquire, being properly sworn according to law, hereby depose and say that:

1. I am over 21 years of age.
2. On December 2, 2022, I served an attested copy of the Complaint in this matter upon defendant Ryder Truck Rental, Inc., via Certified Mail/Return Receipt Requested, as authorized by Pa.R.C.P.No.404(2). A true and correct copy of the mailing, as well as the delivery confirmation from USPS.com, is attached is attached as Exhibit A.

J. FINE LAW GROUP, PC

Dated: December 2, 22

By:

Joseph LaRosa, Esquire
Attorney for Plaintiff

EXHIBIT A

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)**70203160000183545713**[Copy](#)[Add to Informed Delivery](#)[\(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 2:17 pm on December 2, 2022 in MIAMI, FL 33178.

Feedback

Get More Out of USPS Tracking:**USPS Tracking Plus®**

Delivered

Delivered, Left with Individual

MIAMI, FL 33178

December 2, 2022, 2:17 pm

[See All Tracking History](#)**Text & Email Updates****USPS Tracking Plus®****Product Information****See Less ^**[Track Another Package](#)**Case ID: 221100952**

J. FINE LAW GROUP, P.C.

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1628 John F. Kennedy Blvd.
Suite 2120
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500 Grant Street
Suite 2900
Pittsburgh, PA 15219

Jason E. Fine+
Michelle Mall+
Joseph LaRosa+*

November 29, 2022

Via Certified Mail: 7020 3160 0001 8354 5713

Ryder Truck Rental, Inc.
11690 NW 105th Street
Medley, FL 33178

Re: Ray-Dark v. Hussey, et. al.
Philadelphia CCP No. 221100952

Dear Sir/Madam,

Enclosed please a complaint filed against you in the Philadelphia Court of Common Pleas. Please contact your insurer or your attorney immediately upon receipt.

Thank you for your kind consideration

Sincerely,

Joseph LaRosa, Esq.

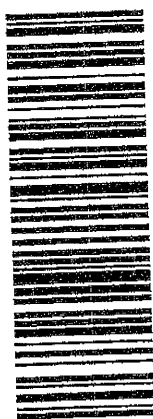
JCL/hs
Encl.

J. FINE LAW GROUP, P.C.

+ Licensed in Pennsylvania * Licensed in New Jersey

Case ID: 221100952

CERTIFIED MAIL



7020 3160 0001 8354 5713

FIRST-CLASS



US POSTAGE

PAID PITNEY BOWES

ZIP 19103
02 7H
0001350744 NOV 28 2022

\$ 008.93⁰

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1628 JFK Blvd., Ste. 2120
Philadelphia, PA 19103

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Medley, FL 33178

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Attorneys for Plaintiff

Jonplair Ray-Dark

Filed and Attested by the
Office of Judicial Records
22 NOV 2022 12:05 pm
B. MERCEDES

JONPLAIR RAY-DARK

Plaintiff,

v.

COLIN HUSSEY

and

RYDER TRUCK RENTAL, INC.

Defendants.

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

NOVEMBER TERM, 2022

NO.: 952

PRAECIPE TO REINSTATE/REISSUE COMPLAINT

TO THE PROTHONOTARY:

Kindly Reinstate Plaintiff's Complaint in the above captioned matter for an additional thirty (30) days.

Date: November 22, 2022

By: _____/s

Joseph LaRosa, Esquire
Attorney for Plaintiff